

JS-6

NOTE: CHANGES MADE BY THE COURT

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CONSTRUCTION LABORERS TRUST
FUNDS FOR SOUTHERN
CALIFORNIA ADMINISTRATIVE
COMPANY, a Delaware limited liability
company,

Plaintiff,

vs.

HARD ROCK EQUIPMENT RENTALS
etc., et al.,

Defendants

SURETEC INSURANCE COMPANY, a
Delaware limited liability company,

Cross-Claimant,

vs.

HARD ROCK EQUIPMENT RENTALS
etc., et al.,

Cross-Defendants.

CASE NO: CV15-00741 RGK (SPx)

**[PROPOSED] JUDGMENT BY
DEFAULT AGAINST
DEFENDANTS HARD ROCK
EQUIPMENT RENTALS AND
KENNETH ALAN HULETT**

1 Default has been entered against defendants Hard Rock Equipment Rentals, a
 2 California corporation also known as and doing business as Hard Rock Equipment
 3 (“HARD ROCK” or “the EMPLOYER” where not referred by its full above-
 4 captioned name) and Kenneth Alan Hulett, an individual (“HULETT” where not
 5 referred by his full above-captioned name) for their failure to answer or otherwise
 6 respond to the complaint of the plaintiff (“Plaintiff” or “CLTF” where not referred to
 7 by its full above-captioned name). [Court Document No. 13.] Suretec Insurance
 8 Company has been dismissed as a defendant and has dismissed its cross-complaint.
 9 [Court Document Nos. 21 (order of dismissal as defendant); 23 (order of dismissal of
 10 cross-complaint).]

11 CLTF has filed a motion for judgment by default against the EMPLOYER and
 12 HULETT. Based upon Plaintiff's motion for default judgment, the declarations
 13 submitted in support thereof, and all other records and documents on file:

14
 15 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:**

16
 17 **1. JUDGMENT IS HEREBY ENTERED IN FAVOR OF THE**
 18 **PLAINTIFF**, Construction Laborers Trust Funds for Southern California
 19 Administrative Company, a Delaware limited liability company, an administrator of,
 20 agent for collection for, fiduciary to, and on behalf of the Construction Laborers Trust
 21 Funds for Southern California Administrative Company, a Delaware limited liability
 22 company, an administrator of, agent for collection for, a fiduciary to, and on behalf of
 23 the Laborers Health and Welfare Trust Fund for Southern California, Construction
 24 Laborers Pension Trust for Southern California, Construction Laborers Vacation Trust
 25 for Southern California, Laborers Training and Re-Training Trust Fund for Southern
 26 California, Fund for Construction Industry Advancement, Center for Contract
 27 Compliance, Laborers Contract Administration Trust Fund for Southern California,
 28 Laborers' Trusts Administrative Trust Fund for Southern California, and Southern

1 California Partnership for Jobs Trust Fund (hereinafter “Trust Funds” where
 2 referenced collectively), and **AGAINST DEFENDANT HARD ROCK**
 3 **EQUIPMENT RENTALS, A CALIFORNIA CORPORATION ALSO KNOWN**
 4 **AS AND DOING BUSINESS AS HARD ROCK EQUIPMENT**, in the principal
 5 amount of \$6,434.94, **FOR MONETARY DAMAGES IN THE TOTAL**
 6 **AMOUNT OF \$6,434.94.**

7
 8 2. **JUDGMENT IS HEREBY ENTERED IN FAVOR OF THE**
 9 **PLAINTIFF**, Construction Laborers Trust Funds for Southern California
 10 Administrative Company, a Delaware limited liability company, an administrator of,
 11 agent for collection for, fiduciary to, and on behalf of the Construction Laborers Trust
 12 Funds for Southern California Administrative Company, a Delaware limited liability
 13 company, an administrator of, agent for collection for, a fiduciary to, and on behalf of
 14 the Laborers Health and Welfare Trust Fund for Southern California, Construction
 15 Laborers Pension Trust for Southern California, Construction Laborers Vacation Trust
 16 for Southern California, Laborers Training and Re-Training Trust Fund for Southern
 17 California, Fund for Construction Industry Advancement, Center for Contract
 18 Compliance, Laborers Contract Administration Trust Fund for Southern California,
 19 Laborers' Trusts Administrative Trust Fund for Southern California, and Southern
 20 California Partnership for Jobs Trust Fund (hereinafter “Trust Funds” where
 21 referenced collectively), and **JOINTLY AND SEVERALLY AGAINST**
 22 **DEFENDANTS HARD ROCK EQUIPMENT RENTALS, A CALIFORNIA**
 23 **CORPORATION ALSO KNOWN AS AND DOING BUSINESS AS HARD**
 24 **ROCK EQUIPMENT, AND KENNETH ALAN HULETT, AN INDIVIDUAL**, in
 25 the principal amount of \$45,846.64, plus attorneys’ fees of \$3,691.26 and costs of
 26 \$523.45, **FOR MONETARY DAMAGES IN THE TOTAL AMOUNT OF**
 27 **\$50,061.35.**

1 3. The Trust Funds have not conducted a full audit of the records of HARD
2 ROCK for any months after March 2013. The monetary judgment shall not, and does
3 not, have *res judicata* effect, operate as a bar or effect any other limitation of any right
4 of the Trust Funds or any individual Trust Fund (including CLTF on behalf of the
5 Trust Funds or any individual Trust Fund) to determine and collect any additional
6 amounts due by HARD ROCK or HULETT for months after March 2013.

7
8 4. **FINAL AND PERMANENT INJUNCTIVE RELIEF IS HEREBY**
9 **GRANTED AS FOLLOWS:** Defendant Hard Rock Equipment Rentals, a California
10 corporation also known as and doing business as Hard Rock Equipment, and its
11 managing agents and employees, including defendant Kenneth Alan Hulett, and all
12 those in active concert or participation with any one or more of them, are hereby
13 ordered to submit to a full audit of the EMPLOYER for the period April 2013 through
14 the date of the audit, to fully cooperate with CLTF and the Trust Funds with respect to
15 the audit in order for them to determine the total amount due to the Trust Funds and
16 the hours of work performed by the Trust Funds' participants and any others entitled
17 to credit toward fringe benefits from any one or more of the Trust Funds, and,
18 specifically, to produce to CLTF and the Trust Funds the following payroll and
19 business records – and any other records determined by CLTF or the Trust Funds to
20 be necessary to conduct a full audit – for inspection, examination and copying:

21
22 3.A. All of the EMPLOYER's payroll and employee records, as well as
23 any other records that might be relevant to a determination of the work performed by
24 the EMPLOYER, its employees, its subcontractors, its lower-tier subcontractors and
25 the employees of the EMPLOYER's subcontractors and lower-tier subcontractors,
26 including but not limited to payroll journals, employee earnings records, certified
27 payroll records, payroll check books and stubs, cancelled payroll checks, payroll time
28 cards and state and federal tax returns (and all other state and federal tax records), as

1 well as labor distribution journals and any other records that might be relevant to an
2 identification of the employees who performed work for the EMPLOYER, its
3 subcontractors or lower-tier subcontractors, or which might be relevant to a
4 determination of the projects on which the EMPLOYER, its employees, its
5 subcontractors, lower-tier subcontractors or the employees of its subcontractors or
6 lower-tier subcontractors performed work, including any records that provide the
7 names, addresses, Social Security numbers, job classification or the number of hours
8 worked by any one or more employee;

9
10 3.B. All of the EMPLOYER's job files for each contract, project or job
11 on which the EMPLOYER, its employees, its subcontractors, its lower-tier
12 subcontractors or the employees of its subcontractors or lower-tier subcontractors
13 worked, including but not limited to all correspondence, agreements and contracts
14 between the EMPLOYER and any general contractor, subcontractor, owner, builder or
15 developer, as well as all field records, job records, notices, project logs, supervisors'
16 diaries and notes, employees' diaries and notes, memoranda, releases and any other
17 records that relate to the supervision of the EMPLOYER's employees, its
18 subcontractors, its lower-tier subcontractors or the employees of its subcontractors and
19 lower-tier subcontractors, or the projects on which the EMPLOYER, its employees,
20 its subcontractors, its lower-tier subcontractors or the employees of its subcontractors
21 or lower-tier subcontractors performed work;

22
23 3.C. All of the EMPLOYER's records related to cash receipts, including
24 but not limited to the EMPLOYER's cash receipts journals, accounts receivable
25 journals, accounts receivable subsidiary ledgers and billing invoices for all contracts,
26 projects and jobs on which the EMPLOYER, its employees, its subcontractors, its
27 lower-tier subcontractors or the employees of its subcontractors or lower-tier
28 subcontractors performed work;

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2 3.D. All of the EMPLOYER's bank statements, including but not
3 limited to those for all checking, savings and investment accounts;

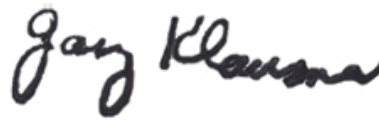
4
5 3.E. All of the EMPLOYER's records related to disbursements,
6 including but not limited to vendors' invoices, cash disbursement journals, accounts
7 payable journals, check registers and all other records which indicate disbursements;

8
9 3.F. All collective bargaining agreements between the EMPLOYER
10 and any trade union, and all records of contributions by the EMPLOYER to any trade
11 union trust fund; and

12
13 3.G. All records related to the formation, licensing, renewal or
14 operation of the EMPLOYER.

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16 **THE FAILURE TO COMPLY WITH THE INJUNCTION ISSUED HEREBY**
17 **SHALL BE GROUNDS FOR CONTEMPT OF COURT.**

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20 Dated: September 20, 2016



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22 R. Gary Klausner, Judge of the United States
23 District Court for the Central District of
24 California
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